

RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEMBERS WEEKLY and MACK

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, ROBERT GENZER, DIRECTOR, PLANNING & DEVELOPMENT DEPARTMENT, CITY CLERK BARBARA JO (RONI) RONEMUS, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

Las Vegas Library, 833 Las Vegas Boulevard North

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Pkwy

Court Clerk's Bulletin Board, City Hall

City Hall Plaza, Posting Board

(4:04)

1-1

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILLS:

Bill No. 2001-115 – Requires certain disclosures in connection with the sale of a residence or residential lot. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill would require a number of disclosures in connection with the sale of a residence or residential lot. Among the items that would have to be disclosed to the buyer are the zoning and land use classifications applicable to the property and surrounding areas, any existing or proposed gaming enterprise districts in the area, existing or proposed assessments, structural defects, and any soils reports regarding the property. Disclosures would have to be documented in writing or by videotape.

RECOMMENDATION:

This bill was held in abeyance to the 2/4/2002 Recommending Committee meeting by the 1/14/2002 Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-115

Submitted at meeting: Greater Las Vegas Association of Realtors letter analysis of 2001-115

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2001-115 be held in abeyance to the 2/19/2002 Recommending Committee meeting. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 1 – Bill No. 2001-115

MINUTES – Continued:

DEPUTY CITY MANAGER HOUCHENS advised that a letter was received sometime ago that was misplaced; therefore, staff would like to evaluate the content of the letter. The Mayor suggested another two-week abeyance.

KEITH LYNAM, Greater Las Vegas Association of Realtors, offered his full cooperation, noting that he is ready to accept an amendment. The Association's greatest concern regarding this issue is disclosure for new homes.

ROCKY FINSETH II, Greater Las Vegas Association of Realtors, interjected that some discussion was held on this issue at staff level. The Mayor met with members of the Association prior to the first Recommending Committee meeting on this issue. All the concerns were expresses at that time and forwarded in a letter submitted in December of 2001.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:04 – 4:06)

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2002-11 – Revises the zoning regulations that pertain to wireless communication facilities. Sponsored by: Councilman Michael Mack

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

This bill will revise the zoning regulations related to wireless communication facilities. It will encourage 1) the use of “stealth” facilities that blend in with the surroundings, and 2) the co-location of facilities. Generally, new facilities that do not qualify as “stealth” facilities will require the approval of a special use permit, subject to conditions to minimize the impact of the facilities.

RECOMMENDATION:

This bill was held in abeyance to the 2/4/2002 Recommending Committee meeting by the 1/14/2002 Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-11

Submitted at meeting: Proposed First Amendment

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-11 be forwarded to the Full Council with a DO PASS recommendation as a First Amendment. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

JOHN KOSWAN, Planning and Development Department, outlined the following changes to this bill: 1) stealth and slim line poles could be approved by administrative review; 2) non-stealth poles would require a special use permit to be approved by the City Council, with the exception

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 2 – Bill No. 2002-11

MINUTES – Continued:

that non-stealth poles that are at least 600 feet away from a residential dwelling unit could be approved by administrative review; and 3) establishes a ten-day waiting period for Council to pull forward any application approved by administrative review prior to the issuance of a permit.

CHIEF DEPUTY CITY ATTORNEY STEED pointed out that the Proposed First Amendment includes the changes MR. KOSWAN outlined, with the exception of the 600 feet requirement within M or CM zoning. The Proposal indicates 1,000 feet. He ascertained with MR. KOSWAN that staff would like it be reduced from 1,000 to 600 feet, which, if approved, would be included in the First Amendment.

MR. KOSWAN stated that reducing it to 600 feet would make it easier to measure and reduces the impacts to any adjacent residential dwelling units.

HELEN FOLEY, VoiceStream and the rest of the wireless industry, expressed support of the ordinance and appreciation for the modification to 600 feet. She pointed out a typographical error on Page 3, 11-D, of the copy she received via facsimile. It should read “within a utility substation” rather than “with a utility substation.”

RYAN ARNOLD, 3225-B South Rainbow Boulevard, representing AT&T Wireless, concurred with the changes to the bill.

CHIEF DEPUTY CITY ATTORNEY STEED interjected that the language MS. FOLEY referred to on 11-D should be changed to “an antenna tower that is proposed to be located on property developed with a utility substation and located within that substation,” because the development of a utility substation modifies property rather than the antenna.

COUNCILMAN MACK appreciated that support of the industry.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:07 – 4:12)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-14 – Annexation No. A-0001-99(A) – Property Location: On the southeast corner of Brent Lane and Jones Boulevard; Petitioned By: Prem Land, LLC, et al; Acreage: 20.46 acres; Zoned: R-E (County Zoning), U (DR) (City Equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southeast corner of Brent Lane and Jones Boulevard. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (March 1, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-14 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-14 be forwarded to the Full Council with a DO PASS recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 3 – Bill No. 2002-14

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:12 – 4:13)

1-243

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-15 – Annexation No. A-0034-01(A) – Property Location: On the southwest corner of Lone Mountain Road and Shaumber Road; Petitioned By: Meranto Living Trust; Acreage: 5.36 acres; Zoned: R-U (County Zoning), U (PCD) (City Equivalent); Sponsored by: Councilman Larry Brown

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southwest corner of Lone Mountain Road and Shaumber Road. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (March 1, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-15 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-15 be forwarded to the Full Council with a DO PASS recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 4 – Bill No. 2002-15

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:13)

1-255

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-16 – Annexation No. A-0044-01(A) – Property Location: On the west side of Cliff Shadows Parkway, 700 feet south of Craig Road; Petitioned By: Loraine Milano; Acreage: 5.56 acres; Zoned: R-U (County Zoning), U (PCD) (City Equivalent); Sponsored by: Councilman Larry Brown

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the west side of Cliff Shadows Parkway, 700 feet south of Craig Road. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (March 1, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-16 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-16 be forwarded to the Full Council with a DO PASS recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 5 – Bill No. 2002-16

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:13)

1-265

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-17 – Annexation No. A-0046-01(A) – Property Location: On the southwest corner of Log Cabin Way and El Capitan Way; Petitioned By: Martin A. and Pamela D. Warburton, et al; Acreage: 29.45 acres; Zoned: R-A (County Zoning), U (PCD) (City Equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southwest corner of Log Cabin Way and El Capitan Way. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (March 1, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-17 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-17 be forwarded to the Full Council with a DO PASS recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 6 – Bill No. 2002-17

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:13 – 4:14)

1-276

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-18 – Annexation No. A-0060-01(A) – Property Location: On the north side of Alexander Road, approximately 700 feet west of Vegas Vista Trail; Petitioned By: MB Holdings LLC; Acreage: 5.51 acres; Zoned: R-U (County Zoning), U (PCD) (City Equivalent); Sponsored by: Councilman Larry Brown

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the north side of Alexander Road, approximately 700 feet west of Vegas Vista Trail. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (March 1, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-18 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-18 be forwarded to the Full Council with a DO PASS recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 7 – Bill No. 2002-18

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:14)

1-285

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-19 – Annexation No. A-0067-01(A) – Property Location: On the northwest corner of Carl Avenue and Shadow Mountain Place; Petitioned By: John R. Elliott; Acreage: 0.65 acres; Zoned: R-E (County Zoning), R-E (City Equivalent); Sponsored by: Councilman Lawrence Weekly

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the northwest corner of Carl Avenue and Shadow Mountain Place. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (March 1, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-19 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-19 be forwarded to the Full Council with a DO PASS recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 8 – Bill No. 2002-19

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:14)

1-296

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-20 – Annexation No. A-0073-01(A) – Property Location: On the northeast corner of Cimarron Road and Whispering Sands Drive; Petitioned By: Carina Corporation; Acreage: 10.40 acres; Zoned: R-E (County Zoning), U (PCD) (City Equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the northeast corner of Cimarron Road and Whispering Sands Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (March 1, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-20 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-20 be forwarded to the Full Council with a DO PASS recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 9 – Bill No. 2002-20

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:14 – 4:15)

1-307

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-21 – Annexation No. A-0076-01(A) – Property Location: On the southwest corner of Lone Mountain Road and Buffalo Drive; Petitioned By: Lone Mountain/Buffalo General Partnership; Acreage: 15.69 acres; Zoned: R-E (County Zoning), U (DR) (City Equivalent); Sponsored by: Councilman Larry Brown

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southwest corner of Lone Mountain Road and Buffalo Drive. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (March 1, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-21 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-21 be forwarded to the Full Council with a DO PASS recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order.

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 10 – Bill No. 2002-21

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:15)

1-316

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2002-22 – Amends the Zoning Code to allow ancillary commercial uses in connection with an assisted living apartment. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The Zoning Code currently does not allow ancillary commercial uses (such as beauty salons, barbershops, retail shops, or copy centers) in connection with an assisted living apartment. This bill will allow such uses as long as they are appropriately limited in scope and operation.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-22

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-22 be forwarded to the Full Council with a **DO PASS** recommendation. **COUNCILMAN WEEKLY** concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development Department, explained that at the present time the Municipal Code allows certain personal care type of services for senior citizens for daily living needs within an assisted living apartment complex. Staff is proposing to add the ability to have ancillary commercial uses, such as a hair salon, provided that the access to the salon is internal to the site, that no external signage be allowed, and that the total area permitted does not exceed 4% of the total gross floor area of the apartment complex. He noted that these

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 11 – Bill No. 2002-22

MINUTES – Continued:

types of services are necessary on site, because in many cases the people in assisted living facilities are not as mobile. Staff recommends approval.

COUNCILMAN MACK, MR. GENZER, and CHIEF DEPUTY CITY ATTORNEY STEED held a discussion about COUNCILMAN MACK’S concern that this might open the door for the sale of alcohol within assisted living complexes. For example, a gift shop could be opened that sells alcohol. MR. GENZER indicated that the commercial uses would have to be deemed ancillary to the primary use, which is an assisted living apartment complex. A request for the sale of alcohol would not qualify, and, at the very least, would require a special use permit. CHIEF DEPUTY CITY ATTORNEY STEED interjected that a gift shop could go in, but the liquor aspect of the application would additionally require special use permit. COUNCILMAN MACK strongly felt that the types of uses permitted should be clearly identified so that no one comes back in the future wishing to put in, for example, a tavern or possibly gaming machines under the ancillary commercial use category. MR. GENZER indicated that he felt comfortable with the language and pointed out that amendments could be made to clarify, should any problems arise. He suggested holding the matter in abeyance in order that COUNCILMAN MACK could reach a comfort level with clarifications.

CHIEF DEPUTY CITY ATTORNEY STEED interjected that the use of the word “ancillary” gives the department director the discretion, and the director would certainly not allow anything that requires a special use permit. COUNCILMAN MACK felt comfortable that uses requiring a special use permit would have to be considered by the City Council.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:15 – 4:20)

1-326

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2002-23 – Requires a special use permit for an animal hospital, clinic or shelter without outside pens in the C-D and C-1 Zoning Districts, and allows the boarding of animals only in conjunction with the operation of an animal hospital, clinic or shelter. Sponsored by: Councilman Michael J. McDonald

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

This bill will require a special use permit for the use “animal hospital, clinic or shelter without outside pens” in the C-D and C-1 Zoning Districts. In addition, it will allow the boarding of animals only in conjunction with the operation of an animal hospital, clinic or shelter. It is believed that the changes will better protect neighborhoods from the impacts of these uses.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-23

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-23 be forwarded to the Full Council with a DO PASS recommendation as a Second Amendment. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

JOHN KOSWAN, Planning and Development Department, reported that boarding kennels are currently permitted in the C-D and C-1 zoning districts. It is the intent of this bill to eliminate that, because staff feels that it is a use far too intense for zoning districts that are adjacent to

RECOMMENDING COMMITTEE MEETING OF FEBRUARY 4, 2002

City Attorney

Item 12 – Bill No. 2002-23

MINUTES – Continued:

residential zones. This bill would restrict it so that it would only be operated as part of a veterinary clinic and not as a stand-alone use.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:20 – 4:21)

1-493



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 4, 2002

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

None.

THE MEETING ADJOURNED AT 4:21 P.M.

Respectfully submitted:_____

GABRIELA S. PORTILLO-BRENNER
February 4, 2002